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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,819	10/15/2003	Temple Luke Fulton	2002P20757US01	5268

7590

11/25/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,819

Applicant(s)

FULTON ET AL.

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

First Action on the Merits

1. Claims 1-20 of U.S. Application 10/685,819 filed on 10/15/2003 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

6. Claims 1-7 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,485,590 (“Hyatt”).

Regarding claim 1

Hyatt teaches a machine-readable project file, encoded in a machine-readable medium, related to a process controllable via a PLC (col. 1 line 8, “programmable controllers”), comprising:

- a user program for controlling the process (see col. 6 lines 60-67, “... contains the program code for execution ...”);
- a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4, “... store initialization data for the port program ...”); and
- a structure for a data log file stored separately from the data log file (see col. 7 lines 45-52, “... the number of the parameter to which the inquiry relates ...”).

Regarding claim 5

Hyatt teaches a method for utilizing a memory cartridge connected to a PLC (see col. 6 lines 55-59, “... program protocol cartridge ROM A1, A2, B1 and B2 ...”), the memory cartridge comprising a plurality of memory segments (see col. 6 lines 63-66, “... subdivided into sections ...”), the method comprising a plurality of activities comprising:

- providing the memory cartridge, the memory cartridge housing a memory module (A1, A2, B1 and B2); and
- providing to the memory cartridge a project file comprising a user program (see col. 6 lines 60-67, “... contains the program code for execution ...”), a recipe comprising a

Art Unit: 2121

plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4, "... store initialization data for the port program ..."), and a structure of a data log file stored separately from the data log file (see col. 7 lines 45-52, "... the number of the parameter to which the inquiry relates ...").

Regarding claim 14

Hyatt teaches a machine-readable medium having stored thereon a plurality of instructions for using and managing a computer-readable project file on a memory cartridge couplable to a PLC (col. 1 line 8, "programmable controllers"), the project file comprising:

- a user program for controlling the process (see col. 6 lines 60-67, "... contains the program code for execution ...");
- a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4, "... store initialization data for the port program ..."); and
- a structure for a data log file stored separately from the data log file (see col. 7 lines 45-52, "... the number of the parameter to which the inquiry relates ...").

7. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. U.S. Patent No. 5,923,903 ("Alvarez-Escurra").

Regarding claim 11

Alvarez-Escurra teaches a method for utilizing a memory cartridge connected to a PLC (see col. 2 lines 14-26, "coupler memory"), the memory cartridge comprising a plurality of memory

Art Unit: 2121

segments (see col. 3 line 61, "... I, Q, M, K ..."), the method comprising a plurality of activities comprising:

- prompting a user, on a user interface device connected to the PLC (see col. 3 lines 27-34, "manufacturer's program"), to select for storage in the memory cartridge at least one project file element comprising a user program (see col. 3 lines 58-60, "user program"), a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 4 lines 3-6, "parameters"), a structure of the recipe stored separately from the recipe, a structure of a data log file stored separately from the data log file, and documentation relating to elements of the project file (see col. 4 lines 60-63, "data structure"); and
- receiving a user input corresponding to a selection of at least one project file element for storage in the memory cartridge (see col. 5 lines 20-35).

Claim Rejections - 35 USC § 103

8. Claims 8-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,923,903 ("Alvarez-Escurra") in view of U.S. Patent Application Publication No. 2001/0034728 A1 ("McBride").

Regarding claim 8

Alvarez-Escurra teaches a method for utilizing a memory cartridge connected to a PLC (see col. 2 lines 14-26, "coupler memory"), the memory cartridge comprising a plurality of memory segments (see col. 3 line 61, "... I, Q, M, K ..."), the method comprising a plurality of activities comprising:

Art Unit: 2121

- prompting a user on a user interface device connected to the PLC (see col. 3 lines 27-38, “language interface”), information relating to a project file stored in the memory cartridge coupled to the PLC (see col. 3 line 58 to col. 4 line 21);
- receiving a user input corresponding to a selected language (see col. 5 lines 20-23); and
- responsive to the user input on the user interface device, information relating to the project file (see col. 5 lines 24-35).

Alvarez-Escurra does not specifically teach the user interface prompts a user to select a language to display and displaying information on the user interface in the selected language.

However, McBride relates to a field of electronic data storage that includes performing an installation process where the user is prompted to select a language among a plurality of languages for displaying installation information in the selected language (see page 4 paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the selection of languages by a user of McBride with the system of Alvarez-Escurra because it would provide a user interface with information that can be read by the user not with a translator.

Regarding claim 17

Alvarez-Escurra teaches a method for utilizing a memory cartridge connected to a PLC (see col. 2 lines 14-26, “coupler memory”), the memory cartridge comprising a plurality of memory segments (see col. 3 line 61, “... I, Q, M, K ...”), the method comprising a plurality of activities comprising:

Art Unit: 2121

- prompting a user on a user interface device connected to a PLC (see col. 3 lines 27-38, “language interface”), information comprising a project file stored in the memory device coupled to the PLC (see col. 3 line 58 to col. 4 line 21);
- receiving a user input corresponding to a selected language (see col. 5 lines 20-23); and
- responsive to the user input on the user interface device, the information comprising a project file stored in the memory device (see col. 5 lines 24-35).

Alvarez-Escurra does not specifically teach the user interface prompts a user to select a language to display and displaying information on the user interface in the selected language.

However, McBride relates to a field of electronic data storage that includes performing an installation process where the user is prompted to select a language among a plurality of languages for displaying installation information in the selected language (see page 4 paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the selection of languages by a user of McBride with the system of Alvarez-Escurra because it would provide a user interface with information that can be read by the user not with a translator.

Regarding claims 2, 6 and 15

Hyatt teaches a structure for the recipe stored separately from the recipe (see col. 8 lines 14-16).

Regarding claims 3, 7 and 16

Hyatt teaches a support document relating to at least one of the user program, the recipe, and the data log file (see col. 8 lines 19-26).

Art Unit: 2121

Regarding claim 4

Hyatt teaches a support document relating to at least one of the user program, the recipe, and the data log file (see col. 8 lines 19-26), wherein the support document comprises images.

It should be noted that the support document comprises images set forth in the claim is given very little patentable weight. In the absent of any new or unexpected results, support document of Hyatt is similar to the applicant's invention.

Regarding claims 9 and 18

Alvarez-Escurra teaches a memory cartridge and McBride teaches user can select a language from a plurality of languages (see page 4 paragraph 42).

Regarding claims 10, 19 and 20

Alvarez-Escurra teaches a memory cartridge and McBride teaches the system can use a default language from the operating system (see page 4 paragraph 42).

Regarding claim 12

Alvarez-Escurra teaches responsive to the user input, providing the at least one project file element to the memory cartridge (see col. 5 lines 24-35).

Regarding claim 13

Alvarez-Escurra responsive to the user input, providing a second project file to the memory cartridge comprising the at least one project file element, differing from a first project file stored on the memory cartridge (see col. 5 lines 24-35).

Regarding claim 20

Art Unit: 2121

Alvarez-Escurra teaches a memory cartridge and McBride teaches the system can use a default language from the operating system or user can select a language from a plurality of languages (see page 4 paragraph 42).

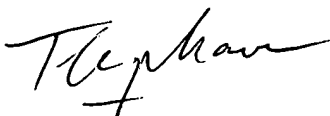
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner



November 18, 2005



Anthony Knight
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